



STATE OF HAWAII  
DEPARTMENT OF HUMAN SERVICES  
**OFFICE OF YOUTH SERVICES**  
707 Richards Street, Suite 525  
Honolulu, Hawaii 96813

**JUVENILE JUSTICE STATE ADVISORY COUNCIL  
COMPLIANCE COMMITTEE MEETING**

**September 6, 2013  
10:00 a.m. to 1:00 p.m.  
Hawaii Police Station - Conference Room B  
349 Kapiolani Street  
Hilo, Hawaii 96720**

**MINUTES**

**Present:** Ronald Nakamichi, Chair  
Lt. Everett Ferreira, MPD  
Lt. Lucille Melemai, HPD, Hilo  
Acting Lt. (Sgt.) AJ Morita, KPD  
Lt. Gary Saiki, Kauai Sheriff Commander  
Sgt. Barry Tong, HPD  
Jaque Kelley-Uyeoka, Hale Kipa, Deputy CEO Outreach  
Marsha Yamada, Juvenile Client & Family Services Administrator, 2<sup>nd</sup> Circuit

**Staff:** Ed Chargualaf, OJJDP Program Coordinator  
John Paekukui, JJ Program Compliance Monitor  
Leimomi Fernandes-Otake, JJ Administrative Assistant

**I. Call to Order**

Chair Nakamichi called meeting to order at 10:30 a.m. Chair thanked members for attendance, welcomed Acting Lt. (Sgt.) AJ Morita, new committee member and made introductions.

**II. Review Juvenile Justice State Advisory Council (JJSAC)  
Compliance Committee May 30, 2013 Minutes**

**Attachment A**

Nakamichi asked for review of the May 30, 2013 minutes. Marsha Yamada correction on page 3, in the 2<sup>nd</sup> paragraph, probation officer versus parole. Jaque Kelley-Uyeoka motioned to approve the March 7, 2013 minutes with changes, seconded by Lt. Ferreira, and the motion was passed unanimously.

### **III. Committee Membership**

#### **A. Kauai Police Department**

Paekukui introduced Acting Lt. Morita as Lt. Todd Tanaka's replacement. Nakamichi asked for a vote. Members voted in favor and no nays. Lt. Ferreira motioned to approve Acting Lt. Morita as the KPD representative, seconded by Jacque Kelley-Uyeoka, and the motion was passed unanimously. Nakamichi welcomed Acting Lt. Morita onboard, confirmed him as the KPD representative and to disseminate the information countywide. Acting Lt. Morita thanked the members and is willing to learn more about the Compliance Committee.

### **IV. Compliance Monitoring Visits**

#### **A. Facilities to Site Visit**

Paekukui conducting training for the officers at the Kapolei Police Station. Kapolei had 2 violations for holding juveniles in secure custody longer than 6 hours. Informed members of new rule that stops the time when a juvenile is removed from secure custody and place into a non-secure custody setting.

Paekukui reported if a juvenile is arrested for possession of alcohol and placed in secure detention, it used to be counted as a violation. The rule changed in 2010, because a juvenile apprehended for possession of alcohol can be placed in secure custody and it no longer is counted as a violation, because an adult can be arrested for this offense. Paekukui reports the number of juveniles apprehended for possession of alcohol separately to the federal and noted 12 youth held for possession of alcohol; all on Oahu and mostly Micronesian kids. Sgt. Tong reported the 4<sup>th</sup> watch doing park stings and catching the juveniles.

Paekukui reported another exemption is guns. In the southern states adults can carry guns; however if a juvenile has possession of a gun, it is an offense. Based on the federal definition, this would be a "status offense", however, the feds made this an exception, and the state's compliance monitors must report the number of juveniles apprehended for possession of a firearm.

Chargualaf spoke about PREA, Prison Rape Elimination Act, enacted 10 years ago to protect kids in prisons, juvenile holding facilities, care homes and other facilities that may hold juveniles. Uncertain of the organization to advise the Governor if in compliance and noted the AG office is researching. This is a concern because if out of compliance, the federal can take 5% of the funds, suspend funding or take away funding. Even with the core requirements monitoring, at the end of the day, 5% of the funds can be removed.

Chargualaf noted did not attend the PREA training, because the training was for adults. In many jurisdictions on the mainland, youth offenders are locked with adults, yet considered a juvenile facility. However, not in Hawaii, we have a separate facility to hold juveniles and 18 and 19 year olds who are still under Family Court jurisdiction, but the statute affects any facility that holds kids. Action: Chargualaf to follow-up on who to advise the Governor of the PREA audit.

B. Hilo Assessment Center - Site Visit  
To follow Compliance Committee meeting.

**V. County Reports**

**A. Honolulu County - Sergeant Barry Tong**

Sgt. Tong reported cell block renovation and a new security system after 20 years in the same building. Also placing status offenders on chairs or benches to stay in compliance, while trying to get ahold of parents or a program. Encountering felonies for drugs, because conducting more raids in town. Dealers are using juveniles to sell ecstasy and marijuana in large quantities.

Sgt. Tong reported the new officers are unaware of the detention facility location and how to get there. Also difficult to get into the facility due to the high security and a struggle with the officer's time. Noted an assault case of a girl from the Home Maluhia on Alder Street, who wanted to return to her mother and couldn't find a placement; she was self-destructive and was hearing things (mental issues).

Sgt. Tong reported Hale Kipa has saved officer's time with the drop off and only 3 miles away versus 20 miles to the detention facility. Kelley-Uyeoka sends out daily notices to DHHS, Family Court and can include the police. Action: Kelley-Uyeoka to add HPD to daily dissemination.

Chargualaf reminded committee of the online youth directory on Oahu to be designed for judges and probation officers to have immediate access to programs, as well as police. If know of any organizations working with kids and families that are not listed to refer them to log on to the online directory. Dr. Karen Umemoto leads the program with 500 organizations listed. Action: Fernandes-Otake to send online directory link to members for registering.

Sgt. Tong inquired if restraint within the facility is it a violation. Paekukui reported can secure in a straightjacket or locked in a restraint chair, but not in a cell. A restraint area in the search area is ok and it does not count towards the 6 hours rule. Reported the camera cells are not padded, seeing more violent juveniles that are bigger than the new officers, and the need for something to keep from hurting self or others. Sgt. Tong justifying request for a straight or restraint chair to be confined in the central receiving division. Also a policy to use not as a method of punishment, but for safety and will not need to use cuffs. CALEA considers the chair as a tool for the department.

Sgt. Tong commented that kids know the system and Micronesians are at the edge; where to place with alcohol to wait for their parents. Kelley-Uyeoka reported Hale Kipa will accept kids for alcohol violations.

Sgt. Tong reported community affairs now handles the juvenile service division and the DARE program. DARE is down to 3 DARE officers and losing 1 DARE officer because of funding.

B. Maui County - Lieutenant Everett Ferreira

Lt. Ferreira reported MPD does use a straightjacket, but does not have a chair. Effective July 1, 2013, SRO falls under the juvenile division and trying to fill the Lahaina position. Last Saturday, made SRO introductions to the MPD POI with a small luau.

Lt. Ferreira reported the new Kihei Station to open at the end of October and the juvenile section has 4-5 cells, separated from the adult side. Action: Paekukui to inspect the Kihei Station.

Chargualaf reported JJSAC Prevention & Accountability Committee meeting on Maui and will visit the MPD POI on December 4, 2013. Melinda Montgomery of Hale Kipa Kauai is the committee chair and Christina Andersson-Reichert of Maui Youth & Family Services is the Vice Chair.

C. Big Island County - Lieutenant Lucille Melemai

Lt. Melemai reported Sgt. Correa requesting new recruit class training for 29 officers. Reported Lt. Gusman promoted to Captain. Action: Paekukui to coordinate training with Sgt. Correa.

Lt. Melemai reported the Hilo juvenile section now handling domestic violence murder cases, sex assaults with adult and juveniles, and more felony cases besides juveniles.

D. Kauai County – Acting Lieutenant (Sergeant) AJ Morita

Acting Lt. Morita reported KPD has an emergency restraint chair, but waiting for policy approval. Reported the Youth Service section has a large canoe used for state races and special projects to address the underage drinking. So far, no night arrests at the beaches and only 1 arrest for marijuana.

Acting Lt. Morita reported the shutdown of the Kapaa Mini Station shack, which moved to the Kapaa Armory and the new Kapaa Station is next to the elementary school. The new Waimea Station is near the high school and shares space with Easter Seals.

E. Kauai Sheriff - Lieutenant Gary Saiki

Lt. Saiki reported 3 juveniles transported since the last meeting and the difficulty of booking flights during the canoe races. No report from the other county sheriffs.

F. Judiciary - Marsha Yamada

Yamada reported Family Court attending the 3 day Judge Conference with statewide judges at the Kapolei Courthouse. Reported the county issues to address a probation statewide system rather than by circuits. PEW analyzed the statewide juvenile system and noticed the difference among the 4 circuits versus the adults that is the same statewide.

G. Hale Kipa - Jaque Kelley-Uyeoka

Kelley-Uyeoka reported 40 placements because could not find the parents; mostly Hawaiians and Micronesians. Made up of 14 runaways, 5 stolen cars, 5 in the park, and the remainder for

alcohol in the park or for trespassing. The Micronesians made up of 5 runaways, which 4 were returnees and 1 came in 3 times under different alias.

Last quarter, admitted a 15 years old into the emergency shelter, next door because could not find the parent. The emergency shelter is used while locating the parent or to refer to CPS. Currently, housing 31 males of the 40.

**VI. Announcements**

**I. OJJDP Conference - June 12-14, 2014 in Washington D.C.**

Chargualaf reported the OJJDP reorganization is taking time for employees to adjust to new responsibilities and waiting for the 2013 grant award amounts. OJJDP is holding back on conferences due to the sequestration. Once the awards are made, ready to start the Connecticut Youth Development training for the police, especially the patrol officers and the SFY training, the brain development for those with longer care of kids, such as probation officers, the HYCF and detention facility staff.

OJJDP has been without a permanent administrator since 2008 and named Robert Listenbee as the new administrator. Bob served as a technical assistance provider to the Attorney General's Defending Childhood Task Force, served as a NCCD Task Force Co-chair, has a strong commitment to improving the juvenile justice system, and is a passionate advocate for system-involved kids and their families.

**VII. Next Tentative Meeting**

Friday, December 6, 2013 on Maui. Action: Lt. Ferreira to secure meeting location and coordinate MPD POI lo'i site visit. Yamada to coordinate tour of courts.

Chair requested meetings to change to Fridays and members confirmed the new day of the week. Chargualaf noted the committee to visit OJJDP programs so law enforcement can collaborate with our partners.

**X. Adjournment**

Lt. Saiki motioned to adjourn the meeting, and seconded by Sgt. Tong. There being no further discussion, the meeting was adjourned at 12:45 p.m.

Respectfully submitted,



Leimomi Fernandes-Otake  
Juvenile Justice Administrative Assistant